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REMARKS

Claims 1, 2, 5-13, 16-21, and 23-35 are pending in the present Application. Claims 1, 21, 25, 26, 30, 31, 32, and 33 has been amended. Support for the amendments to the claims can be found in the Examples. Reconsideration and allowance of the claims is respectfully requested in view of the above amendments and the following remarks.

Claim Rejections Under 35 U.S.C. § 112, First Paragraph

Claims 1, 21, 25, 26 and 31 stand rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the Specification in such a way as to reasonably convey to one skilled in relevant art that the inventors, at the time the s was filed, had possession of the claimed invention.

Applicants have amended the independent claims to address this rejection and better define the invention. Claims 1, 21, 26, 30, 31, 32, and 33 have been amended to limit the impact modifier to a combination of a styrene-(ethylene-butylene)-styrene triblock copolymer, and a styrene-(ethylene-propylene) diblock copolymer. Claim 25 has been amended to employ the transitional phrase "consisting essentially of" which allows for the presence of additional materials that will not change the basic and novel features of the invention such as impurities, pigments, dyes, and the like. It is the Applicants' opinion that the phrase "consisting essentially of" would not allow the inclusion of any other impact modifiers, particularly in amounts that would have an impact on the relevant physical properties such as Notched Izod. Applicants believe there is ample support for this amendment in the Examples because the Examples only teach compositions that contain a combination of triblock and diblock copolymers.

Claim Rejections Under 35 U.S.C. § 103(a)

Claims 1, 2, 6, 7, 10, 16, 17, 19, 20, 21, 23, and 26-35 stand rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over U.S. Patent No. 6,221,283 to Dharmarajan et al. in view of U.S. Patent No. 4,011,200 to Yonemitsu et al. Applicants respectfully note that Dharmarajan et al. is a reference under 35 U.S.C § 102(e) and as such an obviousness rejection is only proper

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under 35 U.S.C. § 103(c). Applicants further note that Dharmarajan and the pending application were, at the time the invention of the pending application was made, owned by General Electric. Thus Dharmarajan cannot be used as a reference against the pending claims and Yonemitsu is not a sufficient reference alone to render the pending claims obvious.

In the most recent office action the Examiner has asserted that Dharmarajan is art under 35 U.S.C. § 102(a). Applicants respectfully note that MPEP 2132.01 states "Note that when the reference is a U.S. patent published within the year prior to the application filing date, a 35 U.S.C. 102(e) rejections should be made." This section would appear to support Applicant's assertion that Dharmarajan is more appropriately categorized as a reference under 102(e).

Claims 5, 11-13, 24, and 25 stand rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over U.S. Patent No. 6,221,283 to Dharmarajan et al. in view of U.S. Patent No. 4,011,200 to Yonemitsu et al and U.S. Patent Application 2001/0031831 to Miyoshi et al. Claims 8 and 9 stand rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over U.S. Patent No. 6,221,283 to Dharmarajan et al. in view of U.S. Patent No. 4,011,200 to Yonemitsu et al and U.S. Patent No. 6,258,572 to Patel. Claim 18 stands rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over U.S. Patent No. 6,221,283 to Dharmarajan et al. in view of U.S. Patent No. 4,011,200 to Yonemitsu et al and U.S. Patent No. 6,277,907 to Gelbin. Applicants respectfully assert that rejections employing these references is more properly made under 35 U.S.C. § 103(c) and should be withdrawn due to the fact that Dharmarajan and the pending application were commonly owned as discussed above.

Claims 1, 2, 5-7, 10-13, 16, 17, 19-21, and 24-30 stand rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over U.S. Patent Application No. 2001/0031831 to Miyoshi et al. in view of U.S. Patent No. 4,011,200 to Yonemitsu et al. In particular the Examiner has stated that it would have been "obvious to use a PPE copolymer containing 2-50 wt% of 2,3,6-trimethyl-, 1,4-phenylene units (as per Yonemitsu et al.) for the copolymer described in Miyoshi et al." (Office Action dated April 4, 2003, page 4) Applicants respectfully traverse this rejection.

Miyoshi generally discloses compositions requiring polyphenylene ether, polyamide, an ethylene-alpha-olefin copolymer prepared using a single site catalyst, electroconductive filler, as

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well as an optional block copolymer. Miyoshi generally contemplates the use of a polyphenylene ether copolymer in paragraph 38. Miyoshi teaches in the examples and in the specification (paragraph 59) that the ethylene-alpha-olefin copolymer is, at least in part, modified with at least one alpha, beta-unsaturated dicarboxylic acid or derivative thereof. As readily understood by one of ordinary skill in the art, the modification of the ethylene-alpha-olefin copolymer is to improve the compatibility between the ethylene-alpha-olefin copolymer and the phases of the polyphenylene ether/polyamide blend. As mentioned to by the Examiner, Miyoshi does not teach the combination of SEBS and SEP impact modifiers. Yonemitsu et al. has been cited for its teaching with regard to the polyphenylene ether copolymer and does not, by itself, provide adequate basis for a prima facie case of obviousness.

The amended claims explicitly recite compositions that do not contain an ethylene-alpha-olefin copolymer prepared using a single site catalyst that is at least partially modified with at least one alpha, beta-unsaturated dicarboxylic acid or derivative thereof. Thus it is clear that the claimed compositions do not contain an ethylene-alpha-olefin copolymer prepared using a single site catalyst that is at least partially modified with at least one alpha, beta-unsaturated dicarboxylic acid or derivative thereof, a element required by Miyoshi et al. Yonemitsu et al. has been cited for its teaching with regard to polyphenylene ether copolymers and does not, by itself, provide adequate basis for a rejection under 35 U.S.C. § 103(a). Because Miyoshi et al. does not teach or suggest a compatibilized polyphenylene ether-polyamide composition that does not contain an ethylene-alpha-olefin copolymer prepared using a single site catalyst that is at least partially modified with at least one alpha, beta-unsaturated dicarboxylic acid or derivative thereof, the combination of Miyoshi et al. and Yonemitsu et al. does not form a prima facie case of obviousness for the amended claims.

Claims 1, 2, 5-7, 10-13, 16, 17, 19, 21, 26, 27, and 29 stand rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over EP 0 924 261 to Koevoets et al. in view of U.S. Patent No. 4,011,200 to Yonemitsu et al.

Koevoets et al. generally describe thermoplastic compositions comprising a compatibilized polyphenylene ether-polyamide resin blend which is modified with an impact modifier containing at least moieties that are reactive with the polyamide resin. The preferred impact modifier is an

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alkylene-alkyl (meth)acrylate copolymer comprising at least two moieties selected from the group consisting of carboxylic acid, anhydride, epoxy, oxazoline, and orthoester.

The amended claims explicitly recite either a composition which does not contain an alkylene-alkyl meth(acrylate) copolymer. The claimed compositions do not contain an alkylene-alkyl meth(acrylate) copolymer, an element required by Koevoets et al. Yonemitsu et al. has been cited for its teaching with regard to polyphenylene ether copolymers and does not, by itself, provide adequate basis for a rejection under 35 U.S.C. § 103(a). Because Koevoets et al. does not teach or suggest a compatibilized polyphenylene ether-polyamide composition that does not contain an alkylene-alkyl meth(acrylate) copolymer, the combination of Koevoets et al. and Yonemitsu et al. does not form a prima facie case of obviousness for the amended claims.

Claims 8 and 9 stand rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over U.S. Patent Application No. 2001/0031831 to Miyoshi et al. in view of U.S. Patent No. 4,011,200 to Yonemitsu et al. and further in view of U.S. Patent No. 6,528,572 to Patel et al. Miyoshi and Yonemitsu have been described above. Patel generally discloses a composition comprising polymeric resin, electrically conductive filler, and antistatic agents.

For reasons similar to those discussed above, the combination of Miyoshi et al., Yonemitsu et al. and Patel et al do not provide adequate basis for a rejection under 35 U.S.C. §103.

Claim 18 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Miyoshi in view of Yonemitsu and further in view of U.S. Pat. No. 6,277,907 to Gelbin. Miyoshi and Yonemitsu have been described above. Gelbin generally discloses a method for stabilizing a thermoplastic resin, which may also contain carbon black and/or glass, wherein the method comprises adding to the resin a stabilizing amount of at least one sterically hindered phenol antioxidant, at least one secondary amine antioxidant and/or at least one N,N'-substituted oxamide antioxidant, and at least one thioether antioxidant.

For reasons similar to those presented above with regard to the combination of Miyoshi et al. and Yonemitsu et al., the combination of Miyoshi et al., Yonemitsu et al. and Gelbin does

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not provide adequate basis for a rejection under 35 U.S.C. §103.

Claim 23 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Miyoshi in view of Yonemitsu and further in view of U.S. Patent No. 6,221,283 to Dharmarajan et al. Miyoshi and Yonemitsu have been described above. Dharmarajan et al. has been cited for its teaching with regard to incorporating filler into a thermoplastic composition as part of a masterbatch. Applicants respectfully submit that the combination of Miyoshi et al., Yonemitsu et al. and Dharmarajan et al does not provide adequate basis for a rejection under 35 U.S.C. §103.

It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and allowance is requested.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 07-0862.

Respectfully submitted,

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